

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25573 of 2021**

Arising Out of PS. Case No.-30 Year-2021 Thana- AHYAPUR District- Muzaffarpur

1. AMIT KUMAR Son of Bharat Sah Resident of Village - Majhauriya, P.S.-
Ahiyapur, District - Muzaffarpur
2. Rohit Kumar Son of Suresh Prasad Resident of Village - Majhauriya, P.S.-
Ahiyapur, District - Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-09-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Ahiyapur P.S. Case No. 30 of 2021 registered for the offences punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20/22 of the Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act. They are in custody since 15.01.2021 and have got no criminal antecedent.

As per the prosecution story, the informant while on



patrolling duty got secret information that four-five persons are sitting in a litchi orchard near Medical College over-bridge with illicit liquor. The informant along with police team reached at the said place and on seeing police, all the accused persons tried to flee away but were apprehended eventually. Upon search total 35.250 litre illicit liquor was seized and from possession of petitioner no. 1, one country made katta loaded with a live cartridge and an android mobile and from possession of petitioner no. 2, 400 grams ganja were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that from petitioner no. 2 the recovered quantity of ganja is much less than the commercial quantity and as such rigours of Section 37 of the N.D.P.S. Act would not be attracted. Further from petitioner no. 1 only a loaded country made pistol is said to have been recovered.

Mr. Md. Fahimuddin, learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that from possession of petitioner no. 1, one loaded country made pistol and an android mobile have been recovered and the



recovered quantity of ganza from petitioner no. 2 would not attract the rigours of Section 37 of the N.D.P.S. Act, they have remained in custody in connection with this case since 15.01.2021 and they have otherwise got no criminal antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 30 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

